

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Daren K. Johnston
Melinda S. Johnston
Debtor(s)

Bankruptcy Case No.: 19-70641-JAD
Issued per 10/8/2020 Proceeding
Chapter: 13
Docket No.: 35 – 15, 33
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 10/11/2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$4,173 as of October 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Lakeview Loan Servicing [Claim #18] .
- ☒ H. Additional Terms: The secured claims of the following creditor shall govern as to claim amount, to be paid at the modified plan terms: Ally Bank [Claims #19 and #20]

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) IT IS FURTHER ORDERED THAT:

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 15, 2020

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Daren K. Johnston
Melinda S. Johnston
Debtor(s)

Case No. 19-70641-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7
Date Rcvd: Oct 15, 2020

User: skoz
Form ID: 149

Page 1 of 4
Total Noticed: 58

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 17, 2020:

Recip ID	Recipient Name and Address
db/jdb	+ Daren K. Johnston, Melinda S. Johnston, 1960 Rt. 553 Hwy., Penn Run, PA 15765-8246
15138429	+ Aes/keybank, P.O. Box 61047, Harrisburg, PA 17106-1047
15138431	Best Buy Credit Services, P.O. Box 9001007, Louisville, KY 40290-1007
15163367	CREDIT FIRST NA, PO BOX 818011, CLEVELAND, OH 44181-8011
15138434	+ Citi/Sears, Citibank/Centralized Bankruptcy, P.O. Box 790034, St Louis, MO 63179-0034
15138435	+ Citibank, Attn: Recovery/Centralized Bankruptcy, P.O. Box 790034, St Louis, MO 63179-0034
15138436	+ Citibank/The Home Depot, Attn: Recovery/Centralized Bankruptcy, P.O. Box 790034, St Louis, MO 63179-0034
15138443	+ Credit First National Association, Attn: Bankruptcy, P.O. Box 81315, Cleveland, OH 44181-0315
15138446	++ DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2222 address filed with court:, Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
15138447	+ First Mark Services, Attn: Bankruptcy, P.O. Box 82522, Lincoln, NE 68501-2522
15138448	+ First National Bank, Attn: Bankruptcy, 1620 Dodge St Mailstop 4440, Omaha, NE 68197-0002
15149140	+ Granite State Management & Resources, o/b/o The U.S. Department of Education, PO Box 3420, Concord, NH 03302-3420
15152333	+ JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o National Bankruptcy Services, LLC, P.O. Box 9013, Addison, Texas 75001-9013
15163781	+ Lakeview Loan Servicing LLC, PO Box 840, Buffalo, NY 14240-0840
15138450	+ Mercury/FBT, Attn: Bankruptcy, P.O. Box 84064, Columbus, GA 31908-4064
15138453	+ New Hampshire Higher Ed/Granite State Ma, Attn: Bankruptcy, P.O. Box 2097, Concord, NH 03302-2097
15139968	++ PERI GARITE, ATTN CARD WORKS, 101 CROSSWAYS PARK DR W, WOODBURY NY 11797-2020 address filed with court:, First National Bank of Omaha, 1620 Dodge St., Stop Code 3105, Omaha, NE 68197
15138465	+ Target, Attn: Bankruptcy, P.O. Box 9475, Minneapolis, MN 55440-9475

TOTAL: 18

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 16 2020 03:38:27	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15166394	Email/Text: ally@ebn.phinsolutions.com	Oct 16 2020 03:51:00	Ally Bank, PO Box 130424, Roseville, MN 55113-0004
15138430	+ Email/Text: ally@ebn.phinsolutions.com	Oct 16 2020 03:51:00	Ally Financial, Attn: Bankruptcy Dept, P.O. Box 380901, Bloomington, MN 55438-0901
15138432	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 16 2020 03:39:43	Capital One, Attn: Bankruptcy, P.O. Box 30285, Salt Lake City, UT 84130-0285
15155772	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 16 2020 03:38:26	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15138437	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Oct 16 2020 03:51:00	Comenity Bank/Kay Jewelers, Attn: Bankruptcy Dept, P.O. Box 182125, Columbus, OH 43218-2125
15138438	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Oct 16 2020 03:51:00	Comenity Bank/King Size, Attn: Bankruptcy, P.O. Box 182125, Columbus, OH 43218-2125

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15138439	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Oct 16 2020 03:51:00	Comenity Bank/Maurices, Attn: Bankruptcy, P.O. Box 182125, Columbus, OH 43218-2125
15138440	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Oct 16 2020 03:51:00	Comenity Bank/Wayfair, Attn: Bankruptcy Dept, P.O. Box 182125, Columbus, OH 43218-2125
15138441	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Oct 16 2020 03:51:00	Comenity/ MPRC, Attn: Bankruptcy, P.O. Box 182125, Columbus, OH 43218-2125
15138442	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Oct 16 2020 03:51:00	Comenitybank/catherine, P.O. Box 182789, Columbus, OH 43218-2789
15138444	+ Email/PDF: creditonebknotifications@resurgent.com	Oct 16 2020 03:37:10	Credit One Bank, Attn: Bankruptcy Department, P.O. Box 98873, Las Vegas, NV 89193-8873
15138445	Email/PDF: DellBKNotifications@resurgent.com	Oct 16 2020 03:39:46	Dell Financial Services LLC, Attn: President/CEO, P.O. Box 81577, Austin, TX 78708
15172053	Email/Text: bnc-quantum@quantum3group.com	Oct 16 2020 03:51:00	Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
15169368	Email/Text: JCAP_BNC_Notices@jcap.com	Oct 16 2020 03:52:00	Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
15138433	Email/PDF: ais.chase.ebn@americaninfosource.com	Oct 16 2020 03:39:42	Chase Card Services, Attn: Bankruptcy, P.O. Box 15298, Wilmington, DE 19850
15146035	+ Email/Text: key_bankruptcy_ebnc@keybank.com	Oct 16 2020 03:52:00	KeyBank N.A., 4910 Tiedeman Rd, Brooklyn, oh 44144-2338
15171474	Email/PDF: resurgentbknotifications@resurgent.com	Oct 16 2020 03:38:29	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15138449	Email/Text: camanagement@mtb.com	Oct 16 2020 03:51:00	M & T Bank, Attn: Bankruptcy, P.O. Box 844, Buffalo, NY 14240
15168783	Email/PDF: MerrickBKNotifications@Resurgent.com	Oct 16 2020 03:38:23	MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
15138451	+ Email/PDF: MerrickBKNotifications@Resurgent.com	Oct 16 2020 03:39:40	Merrick Bank/CardWorks, Attn: Bankruptcy, P.O. Box 9201, Old Bethpage, NY 11804-9001
15138452	+ Email/PDF: pa_dc_claims@navient.com	Oct 16 2020 03:37:11	Navient, Attn: Bankruptcy, P.O. Box 9640, Wiles-Barre, PA 18773-9640
15172107	Email/PDF: pa_dc_claims@navient.com	Oct 16 2020 03:37:12	Navient PC TRUST, c/o Navient Solutions, LLC, PO BOX 9640, Wilkes-Barre, PA 18773-9640
15138454	+ Email/Text: bankruptcynotices@psecu.com	Oct 16 2020 03:52:00	P S E C U, Attention: Bankruptcy, P.O. Box 67013, Harrisburg, PA 17106-7013
15166529	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 16 2020 03:37:11	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15162724	+ Email/Text: bankruptcynotices@psecu.com	Oct 16 2020 03:52:00	PSECU, PO BOX 67013, HARRISBURG, PA 17106-7013
15170877	Email/Text: bnc-quantum@quantum3group.com	Oct 16 2020 03:51:00	Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
15138456	+ Email/PDF: gecsed@recoverycorp.com	Oct 16 2020 03:39:41	Synch/Levin Furniture, Attn: Bankruptcy, P.O. Box 965060, Orlando, FL 32896-5060
15138457	+ Email/PDF: gecsed@recoverycorp.com	Oct 16 2020 03:39:41	Synch/PPC, Attn: Bankruptcy, P.O. Box 965060, Orlando, FL 32896-5060
15138455	+ Email/PDF: gecsed@recoverycorp.com	Oct 16 2020 03:37:07	Synch/hhgreg, Attn: Bankruptcy, P.O. Box 965060, Orlando, FL 32896-5060
15138458	+ Email/PDF: gecsed@recoverycorp.com	Oct 16 2020 03:38:24	Synchrony Bank, Attn: Bankruptcy Dept, P.O. Box 965060, Orlando, FL 32896-5060
15138784	+ Email/PDF: gecsed@recoverycorp.com	Oct 16 2020 03:39:41	Synchrony Bank, c/o of PRA Receivables

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			Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15138459	+ Email/PDF: gecsed@recoverycorp.com	Oct 16 2020 03:38:24	Synchrony Bank/ JC Penneys, Attn: Bankruptcy, P.O. Box 956060, Orlando, FL 32896-0001
15138460	+ Email/PDF: gecsed@recoverycorp.com	Oct 16 2020 03:38:24	Synchrony Bank/Amazon, Attn: Bankruptcy, P.O. Box 965060, Orlando, FL 32896-5060
15138461	+ Email/PDF: gecsed@recoverycorp.com	Oct 16 2020 03:37:07	Synchrony Bank/Care Credit, Attn: Bankruptcy Dept, P.O. Box 965060, Orlando, FL 32896-5060
15138462	+ Email/PDF: gecsed@recoverycorp.com	Oct 16 2020 03:39:41	Synchrony Bank/Lowes, Attn: Bankruptcy, P.O. Box 965060, Orlando, FL 32896-5060
15138463	+ Email/PDF: gecsed@recoverycorp.com	Oct 16 2020 03:37:07	Synchrony Bank/QVC, Attn: Bankruptcy Dept, P.O. Box 965060, Orlando, FL 32896-5060
15138464	+ Email/PDF: gecsed@recoverycorp.com	Oct 16 2020 03:37:07	Synchrony Bank/Walmart, Attn: Bankruptcy, P.O. Box 965060, Orlando, FL 32896-5060
15172923	+ Email/Text: bncmail@w-legal.com	Oct 16 2020 03:52:00	TD Bank USA, N.A., C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
15166409	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Oct 16 2020 03:38:33	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 40

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Lakeview Loan Servicing LLC
cr		M&T BANK
15152670	*P++	DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577, address filed with court., Dell Financial Services, LLC, Resurgent Capital Services, PO Box 10390, Greenville, SC 29603-0390
jdb	*+	Melinda S. Johnston, 1960 Rt. 553 Hwy., Penn Run, PA 15765-8246

TOTAL: 2 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 17, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 15, 2020 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Lakeview Loan Servicing LLC bnicholas@kmlawgroup.com

Office of the United States Trustee

District/off: 0315-7

User: skoz

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ustpreion03.pi.ecf@usdoj.gov

Richard G. Allen

on behalf of Debtor Daren K. Johnston ecf@johnstownbankruptcy.com
mybestcaseecfmail@gmail.com;r44281@notify.bestcase.com

Richard G. Allen

on behalf of Joint Debtor Melinda S. Johnston ecf@johnstownbankruptcy.com
mybestcaseecfmail@gmail.com;r44281@notify.bestcase.com

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

TOTAL: 5